



JEFFREY C. CHANCAS

PARTNER

Manhattan Office

T: (212) 965-2663

jchancas@borahgoldstein.com

February 19, 2019

VIA ECF

Honorable Paul A. Engelmayer
Thurgood Marshall
United States Courthouse
40 Foley Square, Courtroom 1305
New York, New York 10007

Re: Vuppala v. Piatti Italiani LLC et al
Case Number: 1:17-cv-09219-PAE

Figueroa v. Encore 49 Housg East et al
Case Number: 1:18-cv-01337-PAE

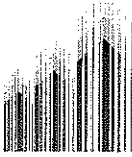
AMENDED REQUEST FOR AN EMERGENCY CONFERENCE

Honorable Judge Engelmayer:

We represent Fratelli Italiani, LLC and Kavita Jagnarine in the above-referenced matters. We write with the consent of counsel for co-Defendants Encore 49 Housing Development Fund Company, Inc. and Elizabeth Hasselt (collectively "Defendants"). This letter amends the letter dated and filed February 15, 2019 [ECF #44 in the Vuppala case and ECF #51 in the Figueroa case], which requested an emergency conference. This letter is identical to the February 15th letter, except that we are no longer requesting the presence of Plaintiff Vuppala at the conference. Therefore, we now request that an emergency conference be held in Court with both Plaintiffs' respective counsel present and Plaintiff Figueroa present to obtain the Court's guidance on how the parties should proceed with this matter.

On February 14, 2019, the New York Post Published an article: "This disability lawyer has been scamming his clients by filing lawsuits without their consent" (a copy of the article is enclosed). The article reports in great detail about attorney Stuart Finkelstein allegedly filing ADA access lawsuits on behalf of individuals without their knowledge or consent. José Figueroa

BORAH GOLDSTEIN
ALTSCHULER NAHINS & GOIDEL, P.C.



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("Figueroa"), the plaintiff in one of the above-referenced cases before Your Honor (docket number 1:18-cv-01337-PAE), is represented by Mr. Finkelstein.

The Post reports that Figueroa no longer uses a wheelchair. When informed that Mr. Finkelstein had filed over 25 lawsuits on his behalf between August 2017 and March 2018, Figueroa responded "Oh, Lord!" and "I'm totally blind-sided." The Figueroa case pending before Your Honor was commenced on February 14, 2018, during the time frame cited by the Post in which ADA lawsuits are alleged to have been filed on Figueroa's behalf, but without his knowledge or consent.

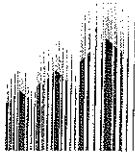
The Post also reports that in at least one lawsuit filed supposedly on Figueroa's behalf, Mr. Finkelstein is accused of forging Figueroa's name on a HIPAA form. Also, Mr. Finkelstein was in Manhattan Federal Court last month, allegedly unbeknownst to Figueroa, arguing that the supposed wheelchair-bound Figueroa couldn't get a seat at Fish restaurant in Greenwich Village because a concrete step blocked the entrance, despite that Figueroa allegedly no longer uses a wheelchair.

The Post article also sets forth Mr. Finkelstein's disciplinary issues from his pre-2006 disbarment from the practice of law in New York, his being implicated in the filing over 286 lawsuits between 2013 and 2016 on behalf of an individual who allegedly did not authorize the lawsuits, and other conduct since his 2017 reinstatement to the New York Bar which raises suspicion and concern.

The parties had been in the process of concluding a global settlement of all matters raised in the above two actions; however, based upon these revelations, the Defendants are concerned as to whether: 1) Mr. Figueroa was in a wheelchair at the unspecified date and time he was allegedly denied access; 2) he was ever denied access as generically alleged; and 3) Mr. Figueroa authorized Mr. Finkelstein to commence this lawsuit.

In light of the New York Post report, as stated above, we request that an emergency conference be held in Court with both Plaintiffs' respective counsel present and Plaintiff Figueroa present. Counsel for Plaintiff Kiran Vuppala, B. Bradley Weitz, Esq., has asked us to request that Your Honor permit him to appear telephonically; we consent.

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Thank you for your courtesy and attention to this matter.

Respectfully submitted,

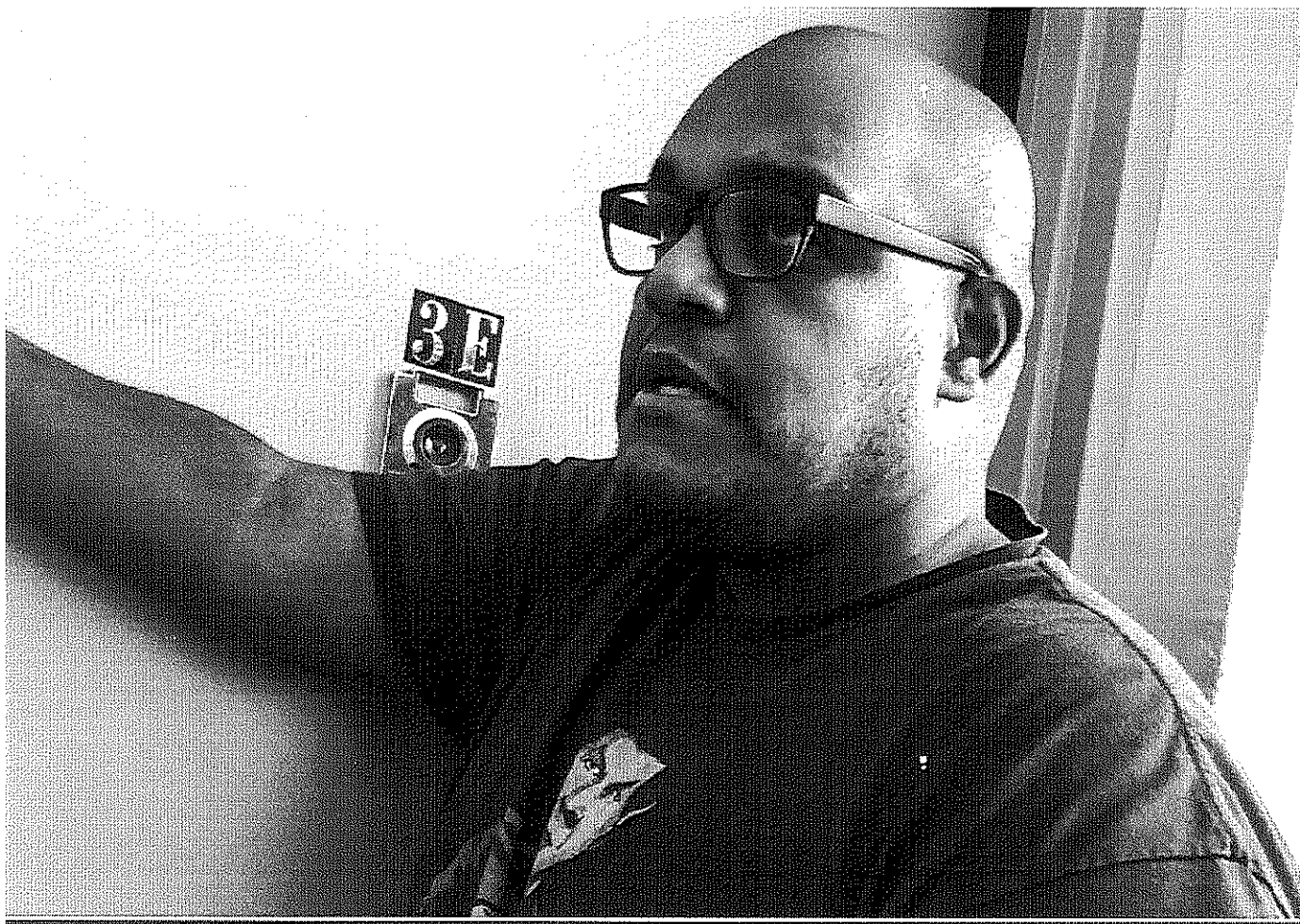
A handwritten signature in cursive script, reading "Jeffrey C. Chancas".

Jeffrey C. Chancas

JCC/drm/rg
Enclosures

BREAKING NEWS

Colin Kaepernick reaches settlement with NFL to end collusion lawsuit



José Figueroa is a client of Stuart Finkelstein, who filed multiple lawsuits on his behalf without his knowledge or consent
David McGlynn

METRO

This disability lawyer has been scamming his clients by filing lawsuits without their consent

By Julia Marsh

February 14, 2019 | 10:50pm | Updated

José Figueroa was in a wheelchair for months after spinal surgery for an old injury.

It was so grueling to get around that when a Manhattan lawyer asked him if he could file two disability lawsuits on his behalf against eateries with no wheelchair access, Figueroa readily agreed.

The Bronx man had no idea that decision would entangle him in a bizarre scheme to shake down dozens of businesses by one of New York's most notorious ambulance-chasing lawyers.

It turns out that the attorney, Stuart Finkelstein, had gone on to file 25 more suits on Figueroa's behalf between August 2017 and March 2018, according to court records — without telling him.

"Oh, Lord!" the Jerome Avenue resident said when a Post reporter told him about the other suits. "I'm totally blindsided."

Finkelstein has gone on a lawsuit-filing spree since getting his law license back in New York state in 2016, filing 50 Americans with Disability Act-related suits for some seven plaintiffs, including the many bogus ones bearing Figueroa's name.

The businesses Finkelstein targets, usually mom-and-pop shops, are warned that if they don't cough up thousands of dollars to settle, he'll go after them even harder.

"It's like the old days, when the Mafia would say, 'You have to pay us or we'll break your windows,'" says Micheline Gaulin, the owner of the Left Bank eatery in the West Village, who forked over \$18,000 to Finkelstein in what she called "a legal shakedown."

Finkelstein has been
collecting hordes of
money in Figueroa's
name while the Bronx
resident says he hasn't
seen a dime.

It's not clear if all seven plaintiffs for whom he filed suits recently are like Figueroa and unaware that their names have been plastered on a legal action. But the attorney is now facing big trouble as Manhattan federal Judge Valerie Caproni has threatened to report Finkelstein to a state ethics committee that could strip him of his law license.

Lawyer Eliot Weitzman, who represented one of the disgraced barrister's allegedly duped clients, added, "He shouldn't be practicing law at all. Chutzpah, balls, cojones — whatever it is — this guy's got it."

Figueroa, 47, knows all about Finkelstein's moxie.

In at least one lawsuit filed supposedly on Figueroa's behalf, Finkelstein is accused of forging Figueroa's name on a HIPAA form for a disability-discrimination suit against Sidewalk Cafe in the East Village.

"That's not my signature. I didn't fill that out," Figueroa said when The Post showed him a copy of the form filed in Manhattan federal court.

And just last month, unbeknownst to Figueroa, Finkelstein was in Manhattan federal court again arguing that his wheelchair-bound client couldn't get a seat at Fish restaurant in Greenwich Village because a concrete step blocked the entrance.

But Figueroa hasn't been in a wheelchair for weeks.

Meanwhile, Finkelstein has been collecting hordes of money in Figueroa's name while the Bronx resident says he hasn't seen a dime.

Tal Hilson, who uses a wheelchair because of his cerebral palsy, knows the tale well.

The Florida resident says that in the spring of 2016, he was blindsided when he discovered he had been named a plaintiff — in 286 lawsuits, according to a Florida Bar Association lawsuit.

Finkelstein had gone down to the Sunshine State in 2007 after losing his license to practice in New York and, while working as a paralegal for a law office, he met Hilson.

"Finkelstein asked Hilson if he would like to participate in visiting sites and assisting in investigating businesses to determine if they were compliant with Americans with Disabilities Act," according to a Delray Beach judge in a report in May 2018.

"Hilson agreed to participate, but claims he never visited sites or authorized the filing of lawsuits," states the document.

SEE ALSO**Lawyer slams brakes on walking client's 'wheelchair' lawsuits**

But that didn't stop Finkelstein from giving attorney Mark D. Cohen, his boss at the firm, "numerous forms" containing Hilson's purported signature" to launch the suits, says the report, the result of a complaint by Hilson to court authorities.

Cohen claims he had no idea about the scheme — which allegedly lasted between 2013 and 2016 — saying Hilson's signatures were forged by Finkelstein without his knowledge, according to court papers filed against Cohen.

Still, Cohen lost his law license for five years because he had hired Finkelstein and was supposed to be supervising him.

Cohen had to pay \$1,700 in costs to the Florida Bar over the scheme — but got to keep the \$680,000 in settlements obtained by Finkelstein. Finkelstein himself was paid \$1,000 per case for his work.

But by the time a judge's report came out on Finkelstein's sleazy antics in Florida, he had already bolted back to the Big Apple, free and clear of any repercussions involving Hilson.

A Florida Bar spokesman said Finkelstein wasn't disciplined because he was not a lawyer at the time of his misdeeds.

The failure to pursue him opened the way for Finkelstein to be readmitted to the New York Bar in March 2016. A month later, he began filing disability-discrimination suits in Brooklyn and Manhattan federal courts — his first of 50 in those venues.

Finkelstein, 64, followed his father and uncle into the law profession, starting out with his own firm in New York in 1989 after graduating from California Western School of Law in San Diego.

But just six years into his practice, Finkelstein was already botching cases.

According to a ruling by Bronx Surrogate's Court Judge Lee Holzman, the lawyer was caught "filing frivolous applications and false papers" in a wrongful-death suit.

In 2005, Queens Judge Patricia Satterfield, accused Finkelstein of forging her signature on a subpoena.

Within a year, a state ethics panel also found that he had "submitted false and misleading answers" in response to two professional-misconduct complaints.

Finkelstein was barred from practicing law starting in 2007. He was finally reinstated in March 2016 after a probe by the state judiciary's Committee on Character and Fitness — which somehow missed his involvement in the Florida ADA fraud.

Tal Hilson was blindsided when he discovered he had been named a plaintiff — in 286 lawsuits.

He got off to a rocky new start.

In one case, Finkelstein sought \$25,000 from the Jackson Hole Airline Diner in Astoria, Queens, on behalf of a double amputee named James Pompey.

But the judge was immediately suspicious of the suit, writing that it failed "to give any detail" about how the restaurant violated the Americans with Disabilities Act.

Instead Finkelstein "merely copied and pasted numerous sections of the ADA," federal Judge LaShann DeArcy Hall wrote in her May 2017 ruling dismissing the case.

Finkelstein learned from the judge's decision and started adding more detail to his bare-bones complaints.

He included photos of entrance steps to his ADA suits and by July 2018 had won a \$15,000 settlement from a Brooklyn dry cleaners on behalf of Figueroa.

Danny Ramos Jr., who owns the Ramos Bros. dry cleaners, said Finkelstein first demanded \$56,000 to settle the case. When Ramos balked, Finkelstein called him at home and said, "You're personally on that lawsuit, and you're going to lose your house," according to a transcript of a June 2017 hearing in Brooklyn federal court.

Ramos filed a complaint with the state Bar Association "because I just felt like I was being taken."

The judge, Lois Bloom, warned Finkelstein about engaging in what's become a "cottage industry" for some lawyers.

Federal disability-discrimination suits have increased by 30 percent in just the past year, according to the law firm Seyfarth Shaw. The firm, which tracks ADA litigation nationally, found that the majority of cases are filed in New York.

One glaring example is Arik Matatov, who used a different lawyer to file 50 disability-discrimination claims in Manhattan Supreme Court, demanding serious dough from local businesses that aren't wheelchair-accessible.

He dropped \$5 million suits against luxury Soho retailers Christian Dior and Herno only after a Post exposé revealed that he could walk without a wheelchair, even though he had sued businesses over their lack of handicapped access.

These days, Finkelstein claims to operate out of a Syosset, LI, address that is actually a UPS Store.

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His Web site also lists a "satellite office" at 277 Broadway in Manhattan. The building doorman, who says he has been on duty there for more than 30 years, said Finkelstein has never worked there.

The lawyer has settled 32 suits since 2016. Most of the agreements are confidential, but four that have been disclosed netted between \$3,600 and \$18,000.

Yet it seems his antics may finally be catching up with him.

Last July, Finkelstein accepted just \$3,600 as his settlement from the East Ninth Street sushi joint Hasaki in the name of Figueroa — after the restaurant's lawyer asked the judge to fine him for refusing to deliver the "plaintiff" for a deposition or even disclose his home address.

In September, Finkelstein was fined \$500 for failing to appear in court for yet another Figueroa suit and repeatedly reprimanded by multiple judges for not following legal procedures.

In December, Judge Caproni hit Finkelstein with a \$1,000 sanction after he failed to hand over a signed medical-release form for a client named Nicole Burgess.

Finkelstein has until March 15 to explain why the judge — who is threatening to go after his license — shouldn't report him.

And one Manhattan barkeep is vowing to fight Finkelstein until the law catches up with the lawyer.

SEE ALSO

Patrick Daley, who owns the storied Kettle of Fish in the Village where Bob Dylan and Jack Kerouac drank, was sued by a Finkelstein plaintiff named Dino Antolini in November.

The Manhattan federal suit followed Finkelstein's cut-and-paste playbook.

Antolini, who allegedly has a muscle disorder called ataxia, couldn't climb the two steps leading to the bar's front door, his suit says.

He sued Daley for violating the ADA. But Daley, who tended bar at Kettle of Fish before taking over the business 20 years ago, says he can't make the entrance wheelchair-accessible because the building is landmarked.

Finkelstein is "just trying to nail mom-and-pop places that can't afford long litigation," Daley said. "He's crushing small businesses."

The Post was unable to find a working phone number for Antolini, and he did not return an e-mail seeking comment.

Finkelstein did not return phone calls or e-mails requesting comment.

Man who faked being wheelchair-bound drops two lawsuits after Post exposé

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